

March 1, 1976

PRESIDENT: Motion fails. Would you close debate on this matter, Senator Cavanaugh?

SENATOR CAVANAUGH: This amendment is relatively simple considering the issue. It simply says that the Department of Welfare will be able to recover for the medical assistance payments that they pay out which is what they say they can't do now or which some members of the Department of Welfare say they can't do now. And it says that they will not control the lawsuit or the litigation involved and it won't limit a person from bringing a lawsuit against a person who has injured him which otherwise there may be some confusion about that. In addition to that, you have to define the responsibility of the Department of Welfare. If they are going to become a civil litigation unit and start engaging in all kinds of suits to recover what they might feel are injuries to their welfare patients, we are going to have a tremendous legal department in the Department of Welfare and that has been the issue from the beginning as to what kind of a legal staff and what kind of a civil trial staff you are going to create in the Department of Welfare. Now it had been my understanding that this amendment was acceptable to them. I don't understand exactly Senator Kennedy's objections this morning. There is a difference of opinion in the Department of Welfare between Mr. Warnsholz and Mr. Eno and it is almost impossible to get a statement of what the policy of the Department is. Mr. Warnsholz, I don't believe, feels that this legislation is necessarily needed at all. Mr. Eno, and I discussed it with him and asked him for the documentation, has still not supplied it even at this date. So this amendment would provide for exactly what they say they want. If they don't want more than that, if they don't want the ability to begin to initiate lawsuits or to control lawsuits for welfare recipients, this would limit them to exactly what they say they requested, and if you don't adopt the amendment, I assume you don't believe that the Department of Welfare does not want to get involved in civil litigation and they want to start a whole legal department over there to try lawsuits because that, I think, is the alternative to this amendment and it is not a proper role for the Department of Public Welfare. I move the adoption of the amendment.

PRESIDENT: Senator Kennedy, Senator Cavanaugh was closing on his motion. The question is, shall the bill be returned for the specific amendment. We are voting only on the motion to return. Record your vote. Please vote. Have you all voted? Record.

CLERK: 14 ayes, 21 nays on the motion to return, Mr. President.

PRESIDENT: Motion fails. We have in the South balcony seventy-five Fourth grade students from Meadow Lane School here in Lincoln, That school is located in Senator Barnett's District. We are very happy to have you students